The Planning Inspectorate

Appeal Decision

Site visit made on 19 January 2022

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02/02/2022

Appeal Ref: APP/A0665/D/21/3285355
12 Holbein Close, Chester CH4 7EU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr M Meekin against the decision of Cheshire West and Chester Council.
- The application Ref 21/01892/FUL, dated 27 April 2021, was refused by notice dated 24 August 2021.
- The development proposed was originally described as '2 storey side extension'.

Decision

1. The appeal is allowed and planning permission is granted for first-floor extension to side at 12 Holbein Close, Chester CH4 7EU in accordance with the terms of the application, Ref 21/01892/FUL, dated 27 April 2021, subject to the following conditions:

   1) The development hereby permitted shall begin not later than three years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos ISA 283 P 210 Revision A (Proposed Floor Plans & Block Plan) and ISA 283 P 211 Revision A (Proposed Elevations).

Preliminary Matters

2. For the purposes of my decision, I have used the more accurate description of the proposal given on the Council's decision notice.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. Holbein Close is predominantly characterised by two-storey detached dwellings of similar scale and form. Dwellings more often have gable sided roofs and many of the properties have attached single-storey garage projections. Dwellings are generally set back from the road with soft landscaped front gardens. However, there is variation to the alignment and orientation of dwellings in the street. Together these characteristics combine to form a pleasant suburban character.

5. The evidence before me indicates that planning permission[1] was previously granted for the same or a very similar development to the appeal proposal but that this permission has since lapsed. Since then, the Council has adopted the Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (2019) (LPP2). Policy DM21 (Development within the curtilage of a dwellinghouse) of the LPP2 requires that extensions are in keeping with the character and appearance of, and subordinate to, the original dwelling. The Cheshire West and Chester Local Plan Supplementary Planning Document: House Extensions and Domestic Outbuildings (2021) (SPD) has also since been adopted and stipulates design measures to ensure extensions appear subordinate.

6. The development would comply with some of the guidance in the SPD given it would be less than 50% of the width of the original dwelling and its side elevation would be set back at least 1.0 metre (m) from the side boundary. However, the extension would not fully accord with the SPD as it would not be set back at least 1.0m from the front wall of the house with a roof lower than the main roof of the dwelling.

7. Paragraph 4.5 of the SPD sets out the reasons that side extensions are required to be subordinate. This includes to ensure the symmetry of buildings is not disrupted as well as to prevent a 'terracing effect' or continuous frontage.

8. The appeal dwelling is set back further from the road than most of the surrounding dwellings and its principal elevation sits at an oblique angle relative to the street. Consequently, only a narrow, angled view of the extension would be available to passers-by on Holbein Close. From the neighbouring public footpath, the dwelling is partially screened by high boundary treatments and vegetation. In these oblique views, the matching scale, form and materials incorporated would ensure that the extension would read as an acceptably balanced addition to the host building. Therefore, the failure to fully accord with the design guidance in the SPD would not be materially harmful in this particular instance.

9. I conclude, the development would have an acceptable effect on the character and appearance of the area. In that regard, the development would substantively accord with the local character and design requirements of Policies DM3 (Design, character and visual amenity) and DM21 (Development within the curtilage of a dwellinghouse) of the LPP2 and Policy ENV 6 (High quality design and sustainable construction) of the Cheshire West and Chester Council Local Plan (Part One) Strategic Policies (2015) and the National Planning Policy Framework.

Conditions

10. I have attached the standard timescale for implementation and an approved drawings condition in the interests of certainty. The approved drawings confirm that the external surfaces of the development will match the existing dwelling. It is therefore not necessary to attach a separate materials condition.

11. I acknowledge the relatively close position of the first-floor side elevation windows to the adjacent public footpath. However, given their position above ground floor level and that it is within the appellant's gift to install obscure

[1] LPA ref 15/04883/FUL

glazing or blinds if considered necessary, I do not consider it necessary to protect the privacy of occupiers of the host dwelling through the imposition of the Council's suggested condition.

Conclusion

12. For the reasons given I conclude that the appeal should be allowed.

M Russell

INSPECTOR